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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,650	07/16/2003	Thomas J. Hayes	47097-01079USC1	1477
28763	7590	12/07/2006	EXAMINER	
BAKER BOTTS, LLP 30 ROCKEFELLER PLAZA NEW YORK, NY 10112-4498				CASTELLANO, STEPHEN J
		ART UNIT		PAPER NUMBER
		3781		

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,650	HAYES ET AL.	
	Examiner Stephen J. Castellano	Art Unit 3781	

All participants (applicant, applicant's representative, PTO personnel):

(1) Stephen J. Castellano. (3) Mr. Steve Kenney (appl. rep.).  
 (2) Mr. Daniel Hulseberg (appl. rep.). (4) Ms. Kimberly Gavin (appl. rep.).

Date of Interview: 05 December 2006.

Type: a) Telephonic b) Video Conference  
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
 If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: Claims of record.

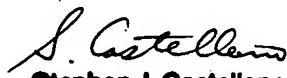
Identification of prior art discussed: Goins.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed Goins, Fig. 2a shows an inward rib (the rib aligned with line 40 on the right side of Fig. 2a with two facets 26 as well as the four other smaller facets adjacent to line 40 and above facets 26), an outward rib (line 40, two facets 26 and the two facets immediately circumferentially adjacent the facets 26 on either circumferential side, the four smaller facets adjacent to line 40 and the two smaller facets upwardly adjacent to the facets which are circumferentially adjacent to facets 26 ) which incorporates the inward rib with a central axis (40) of the inward rib coincides with the central axis (40) of the outward rib. The inward and outward rib make a first rib unit. The second rib unit includes inward rib formed from the facets adjacent to the second line 42 from the right which is labeled 42. The second rib unit is spaced from the first rib unit but is considered adjacent to the first rib unit. The proposed amendment sent September 8, 2006 (attached) was discussed. Amendments made after final will raise new issue and will be responded to with an advisory. The after final amendment sent November 27, 2006 will be responded to with an advisory.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
**Stephen J. Castellano**  
**Primary Examiner**

Examiner Note: You must sign this form unless it is an attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required

## **Summary of Record of Interview Requirements**

### **Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record**

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### **Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews**

#### **Paragraph (b)**

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### **37 CFR §1.2 Business to be transacted in writing.**

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### **Examiner to Check for Accuracy**

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.



**BAKER BOTTS LLP**

Fax receipt will not be confirmed by phone unless requested.

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**FROM** Stephen Kenny  
**DATE** September 8, 2006  
**PAGES** 11

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VOICE NO. 212-408-2629  
FAX NO. 212-259-2429  
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**TO** Examiner Stephen Castellano  
USPTO

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FAX NO. 571-273-4535  
VOICE NO. 517-272-4535**MESSAGE**

As per our discussion, here is a listing of all the claims - with proposed amendments to independent claims 51 and 98.

In the event that you approve the claim amendments, please proceed with entering these amendments by way of Examiner's Amendment.

Please contact us if you have any questions, or require additional information.

Best Regards,  
Stephen Kenny

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### LISTING OF CLAIMS

This Listing of Claims replaces all prior versions and listings of claims in the present application.

1-50. (Cancelled)

51. (Currently Amended) A base for a food container, comprising:  
a bottom having a periphery; and  
a side wall upwardly extending around the periphery of the bottom, the side wall defining  
an interior of the base, the side wall including  
a plurality of first rib units formed in the side wall upwardly extending from the bottom,  
each of the plurality of first rib units including a first outward projecting rib extending away  
from the interior and a first inward projecting rib extending towards the interior, the first inward  
projecting rib being formed within the first outward projecting rib, a central axis of the first  
inward projecting rib coincides with a central axis of the first outward projecting rib, and  
a plurality of second rib units formed in the side wall upwardly extending from the bottom,  
each of the plurality of second rib units being disposed adjacent one of the plurality of  
first rib units, each of the plurality of second rib units including a second inward projecting rib  
extending towards the interior, the second inward projecting rib being shorter than the first  
inward projecting rib.

52. (Previously Presented) The base of claim 51 wherein the first outward projecting rib  
extends into the bottom.

53. (Previously Presented) The base of claim 51 wherein the first inward projecting rib  
extends into the bottom.

54. (Previously Presented) The base of claim 51 wherein the first outward projecting rib is  
disposed at a first angle relative to a vertical axis and the first inward projecting rib is disposed at  
a second angle relative to the vertical axis, the first angle and the second angle being unequal.

55. (Previously Presented) The base of claim 54 wherein the second angle is greater than the first angle.

56. (Previously Presented) The base of claim 51 wherein the first outward extending rib is at a first depth in the side wall and the first inward extending rib is at a second depth in the side wall, said first depth is different than said second depth.

57. (Previously Presented) The base of claim 51 wherein the outward projecting rib extends into the bottom a first distance and the first inward projecting rib extends into the bottom a second distance, the first distance being greater than the second distance.

58. (Previously Presented) The base of claim 51 wherein the first outward projecting rib and the first inward projecting rib extend into the bottom, the depth of the first inward projecting rib extending into the bottom being greater than the depth of the first outward projecting rib extending into the bottom.

59. (Previously Presented) The base of claim 51 wherein the first outward projecting rib extends to a first height in the side wall and the first inward projecting rib extends to a second height in the side wall, the first height exceeding the second height.

60. (Previously Presented) The base of claim 51 wherein the side wall is disposed at an angle ranging from about 5° to about 44° relative to a vertical axis.

61. (Previously Presented) The base of claim 51 wherein the first inward projecting rib is disposed at a first angle relative to a vertical axis and second inward projecting rib is disposed at a second angle relative to the vertical axis, the first angle being different than the second angle.

62. (Previously Presented) The base of claim 51 further comprising a plurality of third rib units formed in the side wall upwardly extending from the bottom, each of the plurality of third rib units being positioned adjacent one of the plurality of second rib units, each of the plurality of third rib units including a second outward projecting rib extending away from the interior and a

third inward projecting rib extending towards the interior, the third inward projecting rib being formed within the second outward projecting rib, the second outward projecting rib being shorter than the first outward projecting rib

63. (Previously Presented) The base of claim 62 wherein the second outward projecting rib extends into the bottom.

64. (Previously Presented) The base of claim 62 wherein the third inward projecting rib extends into the bottom.

65. (Previously Presented) The base of claim 62 wherein the second outward projecting rib is disposed at an first angle relative to a vertical axis and the third inward projecting rib is disposed at a second angle relative to the vertical axis, the first angle being unequal to the second angle.

66. (Previously Presented) The base of claim 65 wherein the second angle is greater than the first angle.

67. (Previously Presented) The base of claim 62 wherein the second outward projecting rib is disposed at third depth in the side wall and the third inward projecting rib is disposed at a fourth depth in the side wall, the third depth being different than the fourth depth.

68. (Previously Presented) The base of claim 62 wherein the second outward projecting rib and the third inward projecting rib extend into the bottom, the second outward projecting rib extending into the bottom farther than the third inward projecting rib.

69. (Previously Presented) The base of claim 68 wherein the height of the third inward projecting rib in the bottom is greater than the height of the second outward projecting rib in the bottom.

70. (Previously Presented) The base of claim 62 wherein the second outward projecting rib extends a first vertical distance up the side wall and the third inward projecting rib extends a

second vertical distance up the side wall, the first vertical distance being greater than the second vertical distance.

71. (Previously Presented) The base of claim 51 wherein a width of the first outward projecting rib is greater than the width of the first inward projecting rib.

72. (Previously Presented) The base of claim 51 wherein the second inward projecting rib extends into the bottom.

73. (Previously Presented) The base of claim 51 wherein the first and second inward projecting ribs extend into the bottom, the first inward projecting rib extending further into the bottom than the second inward projecting rib.

74. (Previously Presented) A base for a food container, comprising:  
a bottom having a periphery; and  
a side wall upwardly extending around the periphery of the bottom, the side wall defining an interior of the base, the side wall including  
a plurality of first rib units formed in the side wall upwardly extending from the bottom, each of the plurality of first rib units including a first outward projecting rib extending away from the interior and a first inward projecting rib extending towards the interior, the first inward projecting rib being shorter than the first outward projecting rib, the first inward projecting rib being narrower than the first outward projecting rib; and  
a plurality of second rib units formed in the side wall upwardly extending from the bottom, at least one of the plurality of second rib units being disposed adjacent one of the plurality of first rib units, each of the plurality of second rib units including a second inward projecting rib extending towards the interior, the second inward projecting rib being shorter than the first inward projecting rib.

75. (Previously Presented) The base of claim 74 wherein the first inward projecting rib is formed within the first outward projecting rib.

76. (Previously Presented) The base of claim 74 wherein the first outward projecting rib extends into the bottom.

77. (Previously Presented) The base of claim 74 wherein the first inward projecting rib extends into the bottom.

78. (Previously Presented) The base of claim 74 wherein the first outward projecting rib is disposed at a first angle relative to a vertical axis and the first inward projecting rib is disposed at a second angle relative to the vertical axis, the first angle and the second angle being unequal.

79. (Previously Presented) The base of claim 78 wherein the second angle is greater than the first angle.

80. (Previously Presented) The base of claim 74 wherein the first outward extending rib is at a first depth in the side wall and the first inward extending rib is at a second depth in the side wall, said first depth is different than said second depth.

81. (Previously Presented) The base of claim 74 wherein the outward projecting rib extends into the bottom a first distance and the first inward projecting rib extends into the bottom a second distance, the first distance being greater than the second distance.

82. (Previously Presented) The base of claim 74 wherein the first outward projecting rib and the first inward projecting rib extend into the bottom, the depth of the first inward projecting rib extending into the bottom being greater than the depth of the first outward projecting rib extending into the bottom.

83. (Previously Presented) The base of claim 74 wherein the first outward projecting rib extends to a first height in the side wall and the first inward projecting rib extends to a second height in the side wall, the first height exceeding the second height.

84. (Previously Presented) The base of claim 74 wherein the side wall is disposed at an angle ranging from about 5° to about 44° relative to a vertical axis.

85. (Previously Presented) The base of claim 74 wherein the first inward projecting rib is disposed at a first angle relative to a vertical axis and second inward projecting rib is disposed at a second angle relative to the vertical axis, the first angle being different than the second angle.

86. (Previously Presented) The base of claim 74 further comprising a plurality of third rib units formed in the side wall upwardly extending from the bottom, each of the plurality of third rib units being positioned adjacent one of the plurality of second rib units, each of the plurality of third rib units including a second outward projecting rib extending away from the interior and a third inward projecting rib extending towards the interior, the second outward projecting rib being shorter than the first outward projecting rib.

87. (Previously Presented) The base of claim 86 wherein the third inward projecting rib is formed within the second outward projecting rib.

88. (Previously Presented) The base of claim 86 wherein the second outward projecting rib extends into the bottom.

89. (Previously Presented) The base of claim 86 wherein the third inward projecting rib extends into the bottom.

90. (Previously Presented) The base of claim 86 wherein the second outward projecting rib is disposed at a first angle relative to a vertical axis and the third inward projecting rib is disposed at a second angle relative to the vertical axis, the first angle being unequal to the second angle.

91. (Previously Presented) The base of claim 90 wherein the second angle is greater than the first angle.

92. (Previously Presented) The base of claim 86 wherein the second outward projecting rib is disposed at third depth in the side wall and the third inward projecting rib is disposed at a fourth depth in the side wall, the third depth being different than the fourth depth.

93. (Previously Presented) The base of claim 86 wherein the second outward projecting rib and the third inward projecting rib extend into the bottom, the second outward projecting rib extending into the bottom farther than the third inward projecting rib.

94. (Previously Presented) The base of claim 93 wherein the height of the third inward projecting rib in the bottom is greater than the height of the second outward projecting rib in the bottom.

95. (Previously Presented) The base of claim 86 wherein the second outward projecting rib extends a first vertical distance up the side wall and the third inward projecting rib extends a second vertical distance up the side wall, the first vertical distance being greater than the second vertical distance.

96. (Previously Presented) The base of claim 74 wherein the second inward projecting rib extends into the bottom.

97. (Previously Presented) The base of claim 74 wherein the first and second inward projecting ribs extend into the bottom, the first inward projecting rib extending further into the bottom than the second inward projecting rib.

98. (Currently Amended) A base for a food container, comprising:  
a bottom having a periphery;  
a side wall attached to the bottom, the side wall upwardly extending from the periphery of the bottom and defining an interior of the base;  
a plurality of generally-upwardly-extending first rib units formed in the side wall, the plurality of first rib units extending from the side wall into the bottom a first distance, each of the

first rib units including a first outward rib projecting away from the interior and a first inward rib projecting towards the interior; and

a plurality of generally-upwardly-extending second rib units formed in the side wall, at least one of the second rib units being disposed immediately adjacent at least one of the first rib units, each of the second rib units extending from the side wall into the bottom a second distance, the second distance being less than the first distance, each of the second rib units including a second inward rib projecting towards the interior.

99. (Previously Presented) The base of claim 98 wherein the first outward rib extends into the bottom a distance greater than the first inward rib, and wherein the first inward rib extends into the bottom a distance greater than the second inward rib.

100. (Previously Presented) The base of claim 98 wherein the first outward rib is longer than the first inward rib, and wherein the first inward rib is longer than the second inward rib

101. (Previously Presented) The base of claim 98 wherein the first inward rib is formed within the first outward rib.

102. (Previously Presented) The base of claim 98 wherein the first inward rib is narrower than the first outward rib.

103. (Previously Presented) The base of claim 98 wherein the first outward rib is disposed at a first angle relative to a vertical axis and the first inward rib is disposed at a second angle relative to the vertical axis, the first angle and the second angle being unequal.

104. (Previously Presented) The base of claim 98 wherein the second angle is greater than the first angle.

105. (Previously Presented) The base of claim 98 wherein the first outward rib has a first depth in the side wall and the first inward rib is at a second depth in the side wall, said first depth is different than said second depth.

106. (Previously Presented) The base of claim 98 wherein the first outward rib extends to a first height in the side wall and the first inward rib extends to a second height in the side wall, the first height exceeding the second height.

107. (Previously Presented) The base of claim 98 wherein the first inward rib is disposed at a first angle relative to a vertical axis and second inward rib is disposed at second angle relative to the vertical axis, the first angle being different than the second angle.

108. (Previously Presented) The base of claim 98 further comprising a plurality of generally-upwardly-extending third rib units formed in the side wall, each of the plurality of third rib units being positioned adjacent one of the plurality of second rib units, each of the plurality of third rib units extending from the side wall into the bottom a third distance, the third distance being greater than the second distance and less than the first distance, the third rib units including a second outward rib projecting away from the interior and a third inward rib projecting towards the interior.

109. (Previously Presented) The base of claim 108 wherein the third inward rib is formed within the second outward rib

110. (Previously Presented) The base of claim 108 wherein the third inward rib is narrower than the second outward rib.

111. (Previously Presented) The base of claim 108 wherein the third inward rib is formed within the second outward rib

112. (Previously Presented) The base of claim 108 wherein the third inward rib is shorter than the second outward rib.

113. (Previously Presented) The base of claim 108 wherein the third rib unit is shorter than the first rib unit.

114. (Previously Presented) The base of claim 108 wherein the third rib unit is longer than the second rib unit.

115. (Previously Presented) The base of claim 108 wherein the second outward rib is disposed at an first angle relative to a vertical axis and the third inward rib is disposed at a second angle relative to the vertical axis, the first angle being unequal to the second angle.

116. (Previously Presented) The base of claim 115 wherein the second angle is greater than the first angle.

117. (Previously Presented) The base of claim 108 wherein the second outward rib is disposed at third depth in the side wall and the third inward rib is disposed at a fourth depth in the side wall, the third depth being different than the fourth depth.

118. (Previously Presented) The base of claim 108 wherein the second outward rib extends a first vertical distance up the side wall and the third inward rib extends a second vertical distance up the side wall, the first vertical distance being greater than the second vertical distance.